

HOUSE BILL 3665

By Stewart

AN ACT to amend Tennessee Code Annotated, Title 59,
Chapter 8, Part 4 and Title 69, Chapter 3, Part 1,
relative to coal surface mining.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Property Rights
Protection Act".

SECTION 2. Tennessee Code Annotated, Section 59-8-417, is amended by adding the
following language as a new subsection:

(e)

(1) The owner or operator of a coal surface mining operation shall be
strictly liable, without regard to fault, to any person for any personal injury, death
or property damage as a result of either the release or discharge of rock, soil or
pollutants from a coal surface mining site or any violation of a coal surface mining
permit.

(2) The court may award to any prevailing plaintiff in an action brought
pursuant to this subsection (e) punitive damages as necessary to deter future
damages or other violations by the coal surface mining owner or operator. The
court may also award any such prevailing plaintiff reasonable attorneys' fees and
expenses of litigation.

(3) For purposes of this subsection (e), "coal surface mining site" means
the entire area that is owned by the same or financially-related business
enterprise and is not necessarily limited to the area included in the permit.

SECTION 3. This act shall take effect July 1, 2010, the public welfare requiring it.